



Development Department

2600 Fresno Street • Third Floor
Fresno, California 93721-3604
(559) 498-1591 FAX (559) 498-1012

Alvin P. Solis, AICP
Director

November 17, 1998

Please reply to:
Jeffrey C. Dwelle
(559) 498-2745

Joseph Cruz, Administrator, Fresno District Office
State of California Department of Alcoholic Beverage Control
3640 East Ashlan Avenue
Fresno, California 93726

Dear Mr. Cruz and staff:

**SUBJECT: CITY COUNCIL ACTION ON CHANGES TO FRESNO MUNICIPAL CODE
SECTION 12 AFFECTING CITY OF FRESNO REQUIREMENTS FOR FILING AND
PROCESSING OF CONDITIONAL USE PERMITS RELATED TO ALCOHOLIC
BEVERAGE SALES ESTABLISHMENTS**

On November 10, 1998, the Fresno City Council approved attached Text Amendment No. TA-97-08 as adopted City Council Ordinance No. 98-87, which, effective on December 11, 1998, amends Article 2, Chapter 12 of the Fresno Municipal Code particularly concerning the requirement of a conditional use permit for commercial establishments that have on- or off-sale alcoholic beverage sales in various zone districts of the city. Basically, on or after December 11, 1998, all newly proposed retail "stores," bars, cocktail lounges, and **(now) restaurants with alcoholic beverage sales will be required to file a conditional use permit with the City of Fresno for newly proposed on- or off-sale alcoholic beverage sales land use privileges.** This requirement will also include the filing of a conditional use permit for any newly proposed upgrade to existing alcoholic beverage sales establishments, even if the previous business (i.e., restaurant) was considered exempt from having an approved conditional use permit. This ordinance repeals Section 12-323 of the Fresno Municipal Code which dealt exclusively with alcoholic beverage sales establishments.

Also, in cases where the proprietorship of existing ABC-licensed premises is changing or 'transferring' but the existing alcoholic beverage sales privileges will remain the same; and, no other operational conditions previously established for said premises are being changed (i.e., hours of operation, expanded premises, newly proposed patio, etc.), the City of Fresno Development Department will not be requiring the filing of a special permit application or a fee for either 'minor' or 'major' revised exhibits as was done previously. On such simple transfers of same ABC licenses, the Development Department will simply fill out your Zoning Affidavit forms and ABC-211 Forms with approvals 'contingent upon compliance with any conditions previously established for the subject site(s)' by either your ABC staff or our special permit processes or both – said conditions being on file in the City of Fresno's job address and special permit files.

We acknowledge the state requirement that your ABC License Investigation staff will notify us when any substantial change is being requested by an ABC Licensee in the existing alcoholic beverage sales operation (i.e., change in hours of operation, expanded premises, etc.)

Sincerely,
DEVELOPMENT DEPARTMENT

Nick Yovino, Deputy Director

K:\common\Cruz-C
CABC-Ord.ltr

Enclosure

Mayor James Patterson
Fresno City Council
Jeffrey Reid, City Manager
Ray Beach, Supervising Planner